

PROB12A1

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**REPORT OF OFFENDER NON-COMPLIANCE**

**Offender Name:** Donnie Mack EARNEST  
**Docket Number:** 2:00CR00586-01  
**Offender Address:** West Sacramento, California  
**Judicial Officer:** Honorable William B. Shubb  
Senior United States District Judge  
Sacramento, California  
**Original Sentence Date:** 04/11/2001  
**Original Offense:** 18 USC 2113(a) and 2 - Bank Robbery, Aiding and  
Abetting  
(CLASS C FELONY)  
**Original Sentence:** 33 months Bureau of Prisons; 3 year term of supervised  
release; \$12,100 restitution; \$100 special assessment  
**Special Conditions:** Search and seizure; Financial disclosure; Correctional  
treatment; Drug testing; Aftercare co-payment.  
**Type of Supervision:** Supervised Release  
**Supervision Commenced:** 04/02/2003  
**Assistant U.S. Attorney:** Anne Pings **Telephone:** (916) 554-2700  
**Defense Attorney:** Jeffrey L. Staniels **Telephone:** (916) 498-5700  
**Other Court Action:**  
01/13/2004: Report and Recommendation of Noncompliance  
directed to the Court, advising the Court that the  
offender had submitted urine samples which tested  
positive for marijuana use. The offender was increased  
in his frequency of urine testing, required to attend  
Narcotics Anonymous meetings, and required to  
participate in group counseling. The Court approved

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the probation officer's plan and no further action was taken.

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### **NON-COMPLIANCE SUMMARY**

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

#### **1. IRREGULAR FINE/RESTITUTION PAYMENTS**

**Details of alleged non-compliance:** The offender will owe an outstanding balance towards restitution when the term of supervised release expires on April 1, 2006. The offender has paid a total of \$2013.50 towards the original financial obligation owed of \$12,200. The outstanding balance is \$10, 186.50.

**United States Probation Officer Plan/Justification:** Since inception of supervision, the offender has been diligent in making monthly restitution payments in the amount of \$25, \$50 or \$100 per month, depending upon his income and resources. This offender has not missed a monthly payment during his term of supervised release.

During his term of supervised release, the offender has had brief periods of unemployment, however, has been working as a truck driver for the same company since May of 2004. The undersigned is confident that the offender will cooperate and make every effort to pay this obligation after expiration of supervision.

The United States Attorney's Office Financial Litigation Unit will be notified of the impending expiration of supervision and they will continue to monitor the offender's compliance with his financial obligation to the Court after expiration of supervision. Accordingly, we are recommending that this case be allowed to expire as scheduled on

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April 1, 2006, without adverse action being taken against the offender for his failure to address his restitution obligation in full during his period of supervision.

Respectfully submitted,

/s/Glenn P. Simon  
**GLENN P. SIMON**  
**United States Probation Officer**  
Telephone: (916) 930-4306

**DATED:** March 6, 2006  
Sacramento, California  
GPS/cp

**REVIEWED BY:** /s/Kyriacos M. Simonidis  
**KYRIACOS M. SIMONIDIS**  
**Supervising United States Probation Officer**

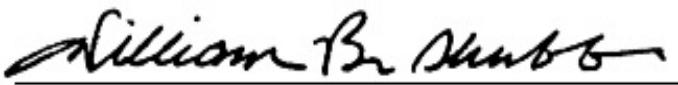
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**THE COURT ORDERS:**

[ x ] The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.

Date: March 7, 2006

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

cc: United States Probation  
Anne Pings, Assistant United States Attorney  
Jeffrey L. Staniels, Defense Attorney

Attachment: Presentence Report (Sacramento only)